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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/617,249	07/11/2003	Egbert Berend Holtkamp	P69015US0	2430

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EXAMINER

YIP, WINNIE S

ART UNIT	PAPER NUMBER
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3636

DATE MAILED: 01/18/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/617,249	Applicant(s) HOLTKAMP, EGBERT BEREND	
	Examiner Winnie Yip	Art Unit 3636	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 October 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) 7-10 and 17-29 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 and 11-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>10/22/03 & 12/18/03</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This office action is in response to applicant's reply filed on October 20, 2005.

Election/Restrictions

1. Applicant's election **without** traverse of specie of Group A, item a, shown in Figs. 1-4 and Group B, item e, shown in Figs. 12-14 in the reply filed on October 20, 2005 is acknowledged.

2. Claims **7-10, and 17-29** are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected specie, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on October 20, 2005.

Drawings

3. The drawings are objected to under 37 CFR 1.83(a) and 1.84(h)(4). The drawings must show every feature of the invention specified in the claims. Therefore, the features of "a container which is mountable on a wall of a camping accommodation" having a "mounted condition" and "an open position" (claim 1) must be shown or the features canceled from the claims. A moved position should be shown by a broken line superimposed upon a suitable figure if this can be done without crowding, otherwise a separate figure must be used for this purpose. Correction is required. No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing

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should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

4. The disclosure is objected to because of it does not contain any headings. Appropriate correction is required.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 1-6 and 11-16 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

7. The claims 1-6 and 11-16 are generally narrative and indefinite, failing to conform with current U.S. practice. They appear to be a literal translation into English from a foreign document and are replete with grammatical and idiomatic errors. It is confusing what is the structural cooperative relationship between a container and an awning as relative to the camping

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accommodation. Further, the terms “the tent cloth” (claim 1, line 5) and “the legs” (claims 4 and 5) lack a proper antecedent basis that causes the claims indefinite.

Regarding claim 8, the terms “a horizontal section” and “two vertical sections” are confusing whether or not they are different then the terms “a substantially horizontal and at least one substantially vertical section” as defined in claim 1. It the same, a proper antecedent basis is required.

Regarding claim 12, “a cover” is confusing whether or not it is different then the “tent cloth of claim 1. A proper antecedent basis is required.

Regarding claims 14 and 16, the phrase "or the like" renders the claim indefinite because the claim includes elements not actually disclosed such as bracket, thereby rendering the scope of the claims unascertainable. See MPEP § 2173.05(d).

Claim Rejections - 35 USC § 102

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

9. Claims 1-6, 11, and 15-16, as better understand, are rejected under 35 U.S.C. 102(b) as being anticipated by Hewlett (US Patent No.2,107,608).

Hwelett shows an awning construction for a camping accommodation having a roof and at least one side wall (235), a container being mountable on the wall of the camping accommodation, the container having open and closed positions, the container (2) comprising a

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substantially horizontal section (3) and two vertical sections (4) being mounted on the wall, an awning having an inverted U-shaped tent frame including a horizontal rod (11) being contained in the horizontal section of the container, and two legs (17) being mountable to the vertical sections in a closed position, and a tent cover (13) made of flexible weather-resistant material, wherein the horizontal and vertical sections of the container include a caravan profile being cooperated with a roller rotatably held by holding means such as bearings (12) on the profile, the profile (3) having a baseplate fixable to the wall with edges bent forwards from the wall for mounting the frame of the tent cover in the closed position and a cover (5, 6) providing a closing means to form a closed box, the legs (17) may be telescoping and having downwardly turned free ends detachably and pivotally affixed via hinges to the vertical sections of the container, an upper edge of the tent cover (13) is fixed by fixing means which includes a roller (10) located on the caravan profile for rotatably fixing one edge of the tent cover of the awning to the wall in an operative position, the legs (17) are raised for supporting the tent cover in an open position, and the tent cover is contained inside of the horizontal caravan profile of the container at a closed position.

Allowable Subject Matter

10. Claim 12-14 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Citations

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Darula '1145, McNamee '253, Ellis '065, Cooper '386, Kirk et al. '811, Crean et al.

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'990, Frey '172, and Bennett '876 teach various awning constructions having an awning frame mounted to a wall of a camping accommodation as similar to the claimed invention.

Inquiry Contacts

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Winnie Yip whose telephone number is 571-272-6870. The examiner can normally be reached on M-F (9:30-5:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Cuomo can be reached on 571-272-6856. The fax phone numbers for the organization where this application or proceeding is assigned are (571) 273-8300 for regular communications and (571) 273-8300 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-3600.



Winnie Yip
Primary Examiner
Art Unit 3636

wsy
January 6, 2006